

Commission Memo  
Commission Meeting: November 15, 2010  
Re: 1200 Knowles Property

November 12, 2010

The Honorable Mayor  
and  
Members of City Commission

Following the November 8 City Commission meeting, the City Attorney researched what possible additional actions the City could take to deal with the issues at 1200 Knowles Street. He responded directly to Commissioners with an attorney/client privileged memorandum describing the legal issues involved.

To support his efforts, Code Enforcement is visiting the site at least twice per day to document any possible violations.

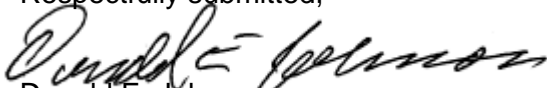
Mr. Gillam, Mr. Craig and I visited the site on Wednesday, November 10. The firm was actively engaged in cutting at the time but the amount of smoke generated was considerably less than is depicted in the photographs presented to the City Commission. They appeared to be following the DNR recommendations to reduce smoke emissions and it appeared to be helping. However, they were cutting and there was still some smoke being generated.

Tony Hewines, son of the owner of Equipment Assets talked to us about the firm's plans. He says their business changed direction and they are not in an appropriate location for what they are now doing and they are addressing that problem. He said they are in the process of purchasing an industrial building in Troy and they expect to close that sale in the next two weeks. Should that fall through they have another property they will attempt to purchase. They should be out of the Knowles location by the end of December.

This business has already been cited by the city for a site plan violation. It has been cited by the DNR for the smoke. Code Enforcement is gathering evidence for the attorney to precede with additional enforcement actions. By the time we get a trial date, this company will have already left Royal Oak.

Since the business claims they are doing their best to leave the city anyway, I think we should encourage that move. Commissioner Semchena suggested we offer to delay further enforcement action in exchange for a written agreement that they will leave Royal Oak by a date certain. Mr. Gillam and I both think this may be our best course of action. I asked Mr. Hewines whether they would be willing to sign such an agreement and he indicated they would.

Respectfully submitted,

  
Donald E. Johnson  
City Manager